

Attorney Docket No. 121753-1005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lorraine Faxon Meisner

Serial No.: 09/990,611

Filed: November 21, 2001

For: METHOD FOR TREATMENT OF AGING OR DAMAGED SKIN

Examiner: Frank Choi

Art Group: 1616

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Linda L. Gibson

Typed or printed name of person signing certificate

Commissioner for Patents
Washington D.C. 20231

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Dear Sir:

Bioderm, Inc., acting through its duly authorized attorney of record, represents that it is the owner of 100 percent of the above-identified Patent Application. In accordance with the provisions of 35 U.S.C. § 253 and Rule 321 of the United States Patent and Trademark Office, Bioderm, Inc. hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the patent that issues from: U.S. Patent Application Serial No. 09/732,385, filed Dec. 7, 2000, including U.S. Patent No. 6,444,699, issued Sept. 3, 2002 and the patent that issues from U.S. Patent Application Serial No. 09/997,663, filed Nov. 29, 2001, all of which are owned 100 percent by Bioderm, Inc., and hereby further agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the

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patents that issue from U.S. Patent Application Serial Nos. 09/732,385, and 09/997,663 are owned. This agreement runs with any patent granted on the instant applications and is to be binding on the grantee, its successors or assigns.

In making the above disclaimer, Bioderm, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156, and 173 of any patents that issue from U.S. Patent Application Serial No. 09/732,385 and 09/997,663 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge our Deposit Account No. 07-0153 in the amount of \$55.00 for the cost of filing the Terminal Disclaimer and any additional fees that may be required, other than an Issue Fee, or credit any overpayment.

Date: September 4, 2002

Respectfully submitted,

GARDERE WYNNE SEWELL LLP



Edwin S. Flores
Registration No. 38,453
Attorney for Applicant

3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-3000 – Telephone
(214) 999-4667 - Facsimile